

Office Action mailed: June 2, 2006
Response transmitted: June 28, 2006

REMARKS

This amendment is filed in response to the Office Action mailed June 2, 2006 requiring cancellation of the non-elected claims. By this paper, claims 1-25 have been cancelled. Accordingly, elected claims 28-37 plus new claims 38-39 are now pending in the application. Reconsideration and allowance of the claims in light of the amendments herein and the arguments made in the Amendment filed March 21, 2006 are respectfully requested.

The Remarks included with the Amendment filed March 21, 2006 are repeated below for the convenience of the Examiner:

1. The application was filed with Claim 1-37, of which Claims 1-27 have been withdrawn in response to a restriction requirement. Claims 26 and 27 have been cancelled, and Claims 38 and 39 have been added. Claims 28-39 are therefore pending in the application.
2. Claims 28-37 have been rejected under 35 U.S.C. §§ 102(b) and 103(a). There is also an objection to the drawings, in that the drawings allegedly do not show every feature of the claims. Claim 36 has been amended. The amendment overcomes the objection to the drawings because Claim 36 no longer recites a mass connected to the first magnet.
3. Claims 28-29 are rejected under 35 U.S.C. § 102(b) in view of U.S. Pat. No. 5,393,943 to Koichi Furukawa et al. ("Furukawa"). Furukawa teaches an acceleration sensor for use in vehicle collisions. Col. 1, line 14. The rejection states that Furukawa discloses a first magnet and a second magnet, in addition to the other limitations of Claim 28. Applicants traverse the rejection, because Furukawa discloses only a single magnet 14 as part of a magnet assembly. The other "magnet" is a ring-shaped attractor (return washer) 30 made of a material such as iron. Furukawa, col. 3, lines 58-60. As stated in this passage, the magnet will be attracted to the piece of iron. Thus, the first magnet 14 will not be opposed by a repulsive force between the magnets as claimed, because as stated in the passage, a piece of iron will be

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attracted to a magnet. In addition, Furukawa does not disclose a second magnet. Thus, Furukawa does not teach or disclose the limitations of Claims 28 and 29.

4. Claim 28 is also rejected under 35 U.S.C. § 102(b) in view of U.S. Pat. No. 5,463,260 to Katsuyasu Ono ("Ono"). Applicants have amended Claim 28 by incorporating additional limitations, for which support is found at least in as-filed Claim 31. The additional limitations distinguish amended Claim 28 because Ono does not teach or suggest a flashing light system. Furthermore, it is not obvious to combine Ono with a teaching of a flashing light system because, as explained below, Ono's inertia switch will not work in a flashing light system intended for wear by a person and which will be actuated by motion of the person.

Ono's "inertia switch" is actually an acceleration sensor meant for use in a vehicle. See Ono, col. 5, line 59, to col. 6, line 8. As such, great acceleration is required to actuate the switch. See col. 6, lines 35-45, indicating that a great deceleration, from about 600-1000 m/sec² is required to actuate the switch. With the force of gravity at about 9.8 m/sec², this would be from about 61 to about 102 g (a deceleration force from about 61 to about 102 times the force of gravity).

This is clearly deceleration well beyond the possibility of normal motion needed for operation of a flashing light system caused by motion of a person who is walking, running, stopping, standing, or moving while wearing a flashing light system with the claimed inertia switch. Accordingly, Ono does not disclose a flashing light system, and it would not be obvious to combine the acceleration sensor of Ono with a wearable flashing light system. The amendment overcomes the rejection of Claim 28.

5. Claims 30-37 are rejected under 35 U.S.C. § 103(a) in view of U.S. Pat. No. 5,393,943 to Koichi Furukawa et al. ("Furukawa"), in view of U.S. Pat. No. 5,754,064 to Tseng Chien ("Chien"). The rejection states that Furukawa teaches an inertia switch and that Chien teaches an illuminated device actuated by an inertia switch. Therefore, states the rejection, it would have been obvious to place Furukawa's switch into Chien's illuminated device to arrive at the claimed invention.

Applicants traverse the rejections. Claims 30-36 depend on Claim 28 or on claims depending from Claim 28. As discussed above, Furukawa's "inertia switch" does not include all

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the limitations of Claim 28 because Furukawa uses an "attractor" and does not teach a second magnet, as also recited in Claim 37. Therefore, the combination of Furukawa and Chien does not make obvious Claim 28, dependent claims 30-36, or independent Claim 37.

In addition, even greater deceleration is required to actuate Furukawa's switch than Ono's switch. See col. 6, table 1, indicating that 200-300 g (an acceleration 200 to 300 times the force of gravity) is required to actuate the switch, which is actually part of an acceleration sensor for an automobile. Furukawa, col. 1, lines 11-14. This is clearly acceleration well beyond the possibility of normal motion needed for operation of a flashing light system by a person who is walking, stopping, standing, or moving. Thus, combining the references changes the operating principle of the invention from being used with motion of a person to being used with motion of a vehicle. M.P.E.P. 2143.01 at 2100-138 (8th ed. rev. 3).

Thus, the combination of Furukawa and Chien does not disclose all the limitations of the inertia switch recited in Claims 28 and 37. Furthermore, the combination of Furukawa and Chien also does not teach or suggest the other limitations of dependent Claims 30-36. Thus, the Office Action does not make out a prima facie rejection of Claims 30-37.

Claims 30 and 31 have been amended to better define the invention. Support for the amendments is found at least in the drawings, at least Figs. 1-3, and in the specification, at paragraphs [0028], [0029], and [0035]. Support for the new limitations of Claim 36 is found at least in the specification, paragraph [0029], on p. 7 of the application.


New Claims 38 and 39 have also been added to the application. Support for new Claim 38 is found at least in the drawings, Fig. 2, and in the specification, paragraph [0030] and [0033]. Support for new Claim 39 is found at least in the drawings, Fig. 2, and in the specification, paragraph [0028].

6. Applicants have amended Claims 28-33, 36, and 37, and have added new Claims 39 and 39. Applicants respectfully request the Examiner to withdraw the rejections and to allow Claims 28-39.

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With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,


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